

Rafael Mendez-Soto,
Petitioner

v.

Jo Gentry, et al.,
Respondents

Service Order

Accordingly, the **Clerk of Court** is directed to **DETACH and FILE** the petition [**ECF No. 1-1**] and **ELECTRONICALLY SERVE** it on the respondents. The **Clerk of Court** is also directed to add Adam Paul Laxalt, Nevada Attorney General, as counsel for respondents.

IT IS FURTHER ORDERED that any procedural defenses raised by respondents in this case must be raised together in a single, consolidated motion to dismiss. Successive motions and procedural defenses raised in the answer will not be entertained, and procedural defenses that are not included in the dismissal motion will be deemed waived. Respondents may not file a

² *Id.* at 3.

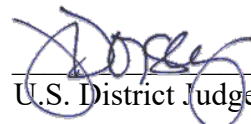
1 response in this case that consolidates their procedural defenses, if any, with their response on
2 the merits, except under 28 U.S.C. § 2254(b)(2) as to any unexhausted claims clearly lacking
3 merit. If respondents do seek dismissal of unexhausted claims under § 2254(b)(2): (a) they must
4 do so within the single dismissal motion, not in the answer; and (b) they must specifically direct
5 their argument to the dismissal standard under § 2254(b)(2) as set forth in *Cassett v. Stewart*, 406
6 F.3d 614, 623–24 (9th Cir. 2005). In short, no procedural defenses, including exhaustion, may
7 be included with the merits of an answer—instead, they must be raised in a single, consolidated
8 motion to dismiss.

9 IT IS FURTHER ORDERED that, in any answer filed on the merits, respondents must
10 specifically cite to and address the applicable state-court written decision and state-court-record
11 materials, if any, regarding each claim within the response to that claim.

12 IT IS FURTHER ORDERED that **Mendez-Soto will have 45 days from service of the**
13 **answer, motion to dismiss, or other response to file a reply or opposition;** any other requests
14 for relief by respondents by motion otherwise are subject to the normal briefing schedule under
15 the local rules.

16 IT IS FURTHER ORDERED that, regardless of Local Rule IC 2-2(g), paper copies of
17 any electronically filed exhibits do not need to be provided to chambers or to the staff attorney,
18 unless later directed by the court.

19 Dated: April 23, 2018

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21 U.S. District Judge Jennifer A. Dorsey
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